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OFFICE OF PETITIONS

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In re Application of
Spear et al.
Application No. 09/343,736
Filed: June 30, 1999
Attorney Docket No. 3600.100

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 4, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a proper reply within the meaning of 37 CFR 1.113 to the final Office Action of June 8, 2001, within the time period for reply. A three (3) month extension of time having been obtained pursuant to the provisions of 37 CFR 1.136(a), the date of abandonment of this application was December 9, 2001. A Notice of Abandonment was mailed on January 8, 2002.

Although petitioners filed a timely amendment on November 28, 2001, it did not *prima facie* place the application in condition for allowance. Therefore, the amendment was not entered and made of record.

The Notice of Appeal filed January 4, 2002, has been entered and made of record. Accordingly, the two (2) month period for filing the appeal brief, in triplicate, accompanied by the requisite fee, runs from the date of this decision.

The \$1,280.00 petition fee, the \$320.00 notice of appeal fee, and the \$130.00 request to expedite fee are being charged to Deposit Account No. 50-0409, as authorized in the petition.

The application file is being forwarded to Technology Center 3700 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-5589.

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